

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

# TENTH DAY

(Continued)

(Tuesday, October 13, 1936.)

The House met at 10:00 o'clock a. m., and was called to order by Mr. Aikin.

## MESSAGE FROM THE SENATE

Austin, Texas, October 13, 1936.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 3, A bill to be entitled "An Act validating all levies and assessments of ad valorem taxes heretofore made by independent school districts, etc."

S. C. R. No. 10, Granting J. E. Thomson permission to sue the State.

S. B. No. 11, A bill to be entitled "An Act amending H. B. No. 10, Regular Session, Forty-first Legislature, 1929; and declaring an emergency."

I am directed by the Senate to inform the House that the following corrected bill is being sent to the House:

S. B. No. 5, A bill to be entitled "An Act to create an Unemployment Insurance System for the State of Texas; creating an Unemployment Compensation Fund; and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## LEAVE OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Head was granted leave of absence for this morning, on account of illness, on motion of Mr. Morse.

## HOUSE BILL NO. 3 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as pending business, on its passage to engrossment,

H. B. No. 3, A bill to be entitled "An Act amending Section 2, Acts

1933, Regular Session of Forty-third Legislature, page 409, Chapter 162, House Bill No. 154, as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 43, Chapter 12; increasing the tax on oil; allocating the revenue to the Public School Fund, and for the payment of Old Age Pensions; prescribing a savings clause, and declaring an emergency."

The bill having heretofore been read second time, with committee amendment by Mr. Bradbury, as substituted by amendment by Mr. Knetsch, pending.

Mr. Dunlap of Kleberg moved to reconsider the vote by which the amendment by Mr. Daniel was, on yesterday afternoon, adopted.

Mr. Reader moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—66

Adamson	Hodges
Adkins	Hofheinz
Aikin	Huddleston
Ash	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bridgers	Keefe
Broadfoot	Lange
Broyles	Leath
Burton	Lemens
Butler of Brazos	Lindsey
Cagle	Lucas
Calvert	Morris
Canon	Morrison
Craddock	Newton
Daniel	Olsen
Davis	Palmer
Davison of Fisher	Patterson
Dickison	Payne
England	Petsch
Fain	Reader
Farmer	Reed of Bowie
Fisher	Riddle
Ford	Rutta
Fox	Sessions
Fuchs	Spears
Glass	Stovall
Graves	Tarwater
Gray	Venable
Greathouse	Waggoner
Hardin	Westfall
Harper	Wood of Harrison
Herzik	Youngblood

## Nays—72

Alexander	Knetsch
Alsup	Lanning
Atchison	Latham
Bergman	Lotief
Bradford	Mauritz
Butler of Karnes	McCalla
Celaya	McConnell
Collins	McFarland
Colquitt	McKinney
Colson	Moffett
Cooper	Moore
Crossley	Morse
Davisson	Nicholson
of Eastland	Pope
Dunagan	Quinn
Dunlap of Hays	Reed of Dallas
Dunlap of Kleberg	Roach of Angelina
Dwyer	Roach of Hunt
Frazer	Roark
Gibson	Roberts
Good	Rogers
Hankamer	Russell
Hanna	Scarborough
Harris of Archer	Settle
Harris of Dallas	Shofner
Hartzog	Smith
Hill	Steward
Holland	Stinson
Howard	Tennyson
Hunt	Thornton
Hunter	Tillery
Hyder	Walker
Jackson	Wells
James	Wood of Montague
Jefferson	Worley
Jones of Atascosa	Young
King	

## Absent

Caldwell	Luker
Cowley	Roane
Leonard	Stanfield

## Absent—Excused

Duvall	McKee
Head	Padgett
Hoskins	

Question recurring on the motion to reconsider the vote by which the amendment by Mr. Daniel was adopted, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

## Yeas—77

Alexander	Butler of Karnes
Alsup	Celaya
Atchison	Collins
Bergman	Colquitt
Bradford	Colson

Cooper	McConnell
Crossley	McFarland
Davisson	McKinney
of Eastland	Moffett
Dunagan	Moore
Dunlap of Hays	Morrison
Dunlap of Kleberg	Morse
Dwyer	Nicholson
England	Olsen
Frazer	Pope
Gibson	Quinn
Good	Reed of Dallas
Hankamer	Roach of Angelina
Hanna	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Rogers
Hill	Russell
Holland	Scarborough
Howard	Settle
Hunt	Shofner
Hunter	Smith
Hyder	Steward
Jackson	Stinson
James	Tarwater
Jefferson	Tennyson
Jones of Atascosa	Thornton
King	Tillery
Knetsch	Walker
Lanning	Wells
Latham	Wood of Harrison
Lotief	Wood of Montague
Mauritz	Worley
McCalla	Young

## Nays—61

Adamson	Hardin
Adkins	Harper
Aikin	Herzik
Ash	Hodges
Bourne	Hofheinz
Bradbury	Huddleston
Broadfoot	Jones of Falls
Broyles	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	Keefe
Cagle	Lange
Calvert	Leath
Canon	Lemens
Craddock	Lindsey
Daniel	Lucas
Davis	Luker
Davisson of Fisher	Morris
Dickison	Newton
Fain	Palmer
Farmer	Patterson
Fisher	Payne
Ford	Petsch
Fox	Reader
Fuchs	Reed of Bowie
Glass	Riddle
Graves	Rutta
Gray	Sessions
Greathouse	Spears

Stovall  
Venable  
Waggoner

Westfall  
Youngblood

## Absent

Bridgers  
Caldwell  
Cowley

Leonard  
Roane  
Stanfield

## Absent—Excused

Duvall  
Head  
Hoskins

McKee  
Padgett

Question—Shall the amendment by Mr. Daniel be adopted?

Mr. Hanna moved to table the amendment by Mr. Daniel.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—74

Alexander	Leath
Alsup	Leonard
Atchison	Lotief
Bergman	Mauritz
Bradford	McCalla
Butler of Karnes	McConnell
Celaya	McFarland
Collins	McKinney
Colson	Moffett
Cooper	Moore
Crossley	Morse
Dunagan	Nicholson
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Dwyer	Reed of Dallas
Frazer	Roach of Angelina
Gibson	Roane
Good	Roark
Hankamer	Roberts
Hanna	Rogers
Harris of Archer	Russell
Harris of Dallas	Scarborough
Hartzog	Settle
Hill	Shofner
Holland	Smith
Howard	Steward
Hunt	Stinson
Hunter	Tarwater
Hyder	Tennyson
Jackson	Thornton
James	Tillery
Jefferson	Walker
Jones of Atascosa	Wells
King	Wood of Harrison
Knetsch	Wood of Montague
Lanning	Worley
Latham	Young

## Nays—63

Adamson	Herzik
Adkins	Hodges
Aikin	Hofheinz
Ash	Huddleston
Bourne	Jones of Falls
Bradbury	Jones of Shelby
Bridgers	Jones of Wise
Broadfoot	Keefe
Broyles	Lange
Burton	Lemens
Butler of Brazos	Lindsey
Cagle	Lucas
Calvert	Morris
Canon	Morrison
Craddock	Newton
Daniel	Palmer
Davis	Patterson
Davison of Fisher	Payne
Dickison	Petsch
England	Reader
Fain	Reed of Bowie
Farmer	Riddle
Fisher	Roach of Hunt
Ford	Rutta
Fox	Sessions
Fuchs	Spears
Glass	Stovall
Graves	Venable
Gray	Waggoner
Greathouse	Westfall
Hardin	Youngblood
Harper	

## Absent

Caldwell	Luker
Colquitt	Olsen
Cowley	Stanfield
Davison of Eastland	

## Absent—Excused

Duvall	McKee
Head	Padgett
Hoskins	

Question—Shall the committee amendment, as substituted, be adopted?

## SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 3, to the Committee on Education.

Senate Bill No. 11, to the Committee on Education.

## RECESS

On motion of Mr. Hanna, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by Mr. Aikin.

HOUSE BILL NO. 3 ON PASSAGE  
TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 3, to amend certain law to increase the tax on oil.

The bill having heretofore been read second time, with committee amendment as substituted by amendment by Mr. Knetsch, pending.

Mr. Jones of Wise offered the following substitute for the amendment by Mr. Knetsch:

Amend House Bill No. 3 by striking out the words and figures ten (10c) cents or ten (10%) per cent wherever they occur in the bill and insert in lieu thereof four (4c) cents and four (4%) per cent.

JONES of Wise,  
FARMER.

Mr. Hanna moved to table the amendment by Mr. Jones of Wise.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called on the above motion, and the vote was announced as follows:

Yeas, 45, nays 57.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—41

Alsup	Hartzog
Atchison	Holland
Bradford	Hunter
Cowley	Hyder
Duvall	James
Good	King
Hankamer	Knetsch
Hanna	Lanning
Harris of Archer	Latham
Harris of Dallas	Leonard

Mauritz	Sessions
McCalla	Settle
McConnell	Steward
McFarland	Tarwater
Nicholson	Thornton
Quinn	Walker
Reed of Dallas	Wells
Roark	Wood of Harrison
Roberts	Wood of Montague
Rogers	Worley
Russell	

Nays—49

Adamson	Harper
Adkins	Herzik
Aikin	Hodges
Ash	Hofheinz
Bourne	Jones of Falls
Bradbury	Jones of Shelby
Bridgers	Jones of Wise
Broyles	Keefe
Burton	Lucas
Cagle	Luker
Calvert	Moffett
Craddock	Morris
Daniel	Patterson
Davis	Payne
Davison of Fisher	Reader
Dickison	Reed of Bowie
England	Roach of Angelina
Fain	Rutta
Farmer	Spears
Fisher	Stovall
Ford	Tillery
Fox	Venable
Graves	Waggoner
Gray	Youngblood
Hardin	

Present—Not Voting

Canon

Absent

Alexander	Glass
Bergman	Greathouse
Broadfoot	Hill
Butler of Brazos	Howard
Butler of Karnes	Huddleston
Caldwell	Hunt
Celaya	Jefferson
Collins	Lange
Colquitt	Leath
Colson	Lemens
Cooper	Lindsey
Crossley	Lotief
Davisson	McKinney
of Eastland	Moore
Dunagan	Morrison
Dunlap of Hays	Morse
Dunlap of Kleberg	Newton
Dwyer	Olsen
Frazer	Palmer
Fuchs	Petsch
Gibson	Pope

Riddle  
Roach of Hunt  
Roane  
Scarborough  
Shofner  
Smith

Stanfield  
Stinson  
Tennyson  
Westfall  
Young

Absent—Excused

Head  
Hoskins  
Jackson

Jones of Atascosa  
McKee  
Padgett

#### PAIRED

Mr. Canon (present), who would vote "nay," with Mr. Jackson, (absent), who would vote "yea."

Mr. Thornton raised a point of order, that there was not a quorum present.

The Chair sustained the point of order.

#### REASON FOR VOTE

The above roll call vote is in error, as to my vote. And since there was no quorum present, another vote was taken later wherein I am correctly shown.

#### MOFFETT.

Mr. Worley moved a call of the House for the purpose of securing and maintaining a quorum until 3:00 o'clock p. m., today, and the call was duly ordered.

On motion of Mr. Reader, the Sergeant-at-Arms was instructed to bring in all Members within the city who are not ill.

Mr. Russell moved to reconsider the vote by which the call of the House was ordered.

Mr. Reed of Bowie moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—72

Adamson  
Adkins  
Aikin  
Ash  
Atchison  
Bradbury  
Bradford  
Broyles  
Burton  
Cagle  
Calvert

Canon  
Craddock  
Daniel  
Davis  
Davison of Fisher  
Dickison  
Duvall  
England  
Fain  
Farmer  
Fisher

Ford  
Fox  
Glass  
Good  
Gray  
Hanna  
Hardin  
Harper  
Head  
Hodges  
Huddleston  
Hunter  
Jones of Shelby  
Jones of Wise  
Keefe  
King  
Knetsch  
Lanning  
Leath  
Lemens  
Lindsey  
Lotief  
Lucas  
Mauritz  
McConnell

McFarland  
Moffett  
Morris  
Morrison  
Newton  
Nicholson  
Palmer  
Payne  
Quinn  
Reader  
Reed of Bowie  
Roach of Hunt  
Roark  
Rogers  
Shofner  
Spears  
Tennyson  
Tillery  
Venable  
Waggoner  
Walker  
Wells  
Wood of Montague  
Worley  
Youngblood

#### Nays—42

Alexander  
Bergman  
Bourne  
Bridgers  
Butler of Karnes  
Cooper  
Cowley  
Crossley  
Dunlap of Kleberg  
Dwyer  
Frazer  
Graves  
Hankamer  
Harris of Archer  
Harris of Dallas  
Hartzog  
Herzik  
Hill  
Hofheinz  
Holland  
Hunt

Hyder  
James  
Latham  
Luker  
McCalla  
McKinney  
Moore  
Patterson  
Reed of Dallas  
Roach of Angelina  
Roane  
Roberts  
Russell  
Rutta  
Sessions  
Settle  
Stinson  
Stovall  
Tarwater  
Thornton  
Wood of Harrison

#### Absent

Alsup  
Broadfoot  
Butler of Brazos  
Caldwell  
Celaya  
Collins  
Colquitt  
Colson  
Davisson  
of Eastland  
Dunagan  
Dunlap of Hays  
Fuchs

Gibson  
Greathouse  
Howard  
Jefferson  
Jones of Falls  
Lange  
Leonard  
Morse  
Olsen  
Petsch  
Pope  
Riddle  
Scarborough

Smith	Westfall
Stanfield	Young
Steward	

Absent—Excused

Hoskins	McKee
Jackson	Padgett
Jones of Atascosa	

A quorum was announced present.

Question again recurring on the motion to table the amendment by Mr. Jones of Wise, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—69

Alexander	Leath
Atchison	Leonard
Bergman	Lotief
Bradford	Mauritz
Butler of Karnes	McCalla
Caldwell	McConnell
Collins	McFarland
Colson	McKinney
Cooper	Moffett
Cowley	Moore
Crossley	Morse
Dunagan	Nicholson
Dunlap of Kleberg	Pope
Duvall	Quinn
Dwyer	Reed of Dallas
Frazer	Roane
Gibson	Roark
Good	Roberts
Hankamer	Rogers
Hanna	Russell
Harris of Archer	Settle
Harris of Dallas	Smith
Hartzog	Steward
Hill	Stinson
Holland	Tarwater
Howard	Tennyson
Hunter	Thornton
Hyder	Walker
James	Wells
Jefferson	Westfall
King	Wood of Harrison
Knetsch	Wood of Montague
Lange	Worley
Lanning	Young
Latham	

Nays—62

Adamson	Burton
Adkins	Cagle
Aikin	Calvert
Alsop	Craddock
Ash	Daniel
Bourne	Davis
Bradbury	Davison of Fisher
Bridgers	Dickison
Broyles	England

Fain	Lindsey
Farmer	Lucas
Fisher	Luker
Ford	Morris
Fox	Morrison
Fuchs	Newton
Glass	Palmer
Graves	Patterson
Gray	Payne
Hardin	Petsch
Harper	Reader
Head	Reed of Bowie
Herzik	Roach of Angelina
Hodges	Roach of Hunt
Hofheinz	Rutta
Huddleston	Sessions
Hunt	Spears
Jones of Falls	Stovall
Jones of Shelby	Tillery
Jones of Wise	Venable
Keefe	Waggoner
Lemens	Youngblood

Present—Not Voting

Canon

Absent

Broadfoot	Greathouse
Butler of Brazos	Olsen
Celaya	Riddle
Colquitt	Scarborough
Davisson	Shofner
of Eastland	Stanfield
Dunlap of Hays	

Absent—Excused

Hoskins	McKee
Jackson	Padgett
Jones of Atascosa	

PAIRED

Mr. Canon (present), who would vote "nay," with Mr. Jackson, (absent), who would vote "yea."

Mr. Farmer offered the following amendment to the amendment by Mr. Knetsch:

Amend Knetsch amendment by striking out  $3\frac{1}{4}$  cents and  $3\frac{1}{4}$  per cent and three and one-fourth, and insert therefor " $3\frac{3}{4}$  cents and  $3\frac{3}{4}$  per cent" wherever needed.

Mr. Quinn moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—62

Adamson	Atchison
Alexander	Bergman

Bradford	Latham
Broyles	Leonard
Butler of Karnes	Mauritz
Caldwell	McCalla
Colson	McConnell
Cooper	McFarland
Crossley	McKinney
Dunlap of Kleberg	Moore
Duvall	Morrison
Dwyer	Morse
Frazer	Nicholson
Gibson	Palmer
Good	Quinn
Hankamer	Reed of Dallas
Hanna	Roark
Harris of Archer	Roberts
Harris of Dallas	Rogers
Hartzog	Russell
Hill	Settle
Holland	Shofner
Howard	Steward
Hunter	Stinson
Hyder	Tarwater
James	Tennyson
Jefferson	Walker
King	Wells
Knetsch	Wood of Harrison
Lange	Worley
Lanning	Young

## Nays—56

Adkins	Hunt
Aikin	Jones of Falls
Alsup	Jones of Shelby
Ash	Jones of Wise
Bourne	Keefe
Bradbury	Lemens
Bridgers	Lindsey
Burton	Lotief
Calvert	Lucas
Craddock	Luker
Daniel	Morris
Davis	Newton
Dickison	Olsen
England	Patterson
Fain	Payne
Farmer	Reader
Fisher	Reed of Bowie
Fox	Roach of Angelina
Fuchs	Rutta
Glass	Sessions
Gray	Spears
Greathouse	Stovall
Hardin	Tillery
Head	Venable
Herzik	Waggoner
Hodges	Westfall
Hofheinz	Wood of Montague
Huddleston	Youngblood

## Present—Not Voting

Ford	Canon
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## Absent

Broadfoot	Harper
Butler of Brazos	Leath
Cagle	Moffett
Celaya	Petsch
Collins	Pope
Colquitt	Riddle
Cowley	Roach of Hunt
Davison of Fisher	Roane
Davisson	Scarborough
of Eastland	Smith
Dunagan	Stanfield
Dunlap of Hays	Thornton
Graves	

## Absent—Excused

Hoskins	McKee
Jackson	Padgett
Jones of Atascosa	

## PAIRED

Mr. Canon (present), who would vote "nay," with Mr. Jackson, (absent), who would vote "yea."

Mr. Ford (present), who would vote "nay," with Mr. Thornton (absent), who would vote "yea."

Question then recurring on the committee amendment as substituted by amendment by Mr. Knetsch, yeas and nays were demanded.

The committee amendment as substituted was adopted by the following vote:

## Yeas—86

Adamson	Fox
Adkins	Frazer
Aikin	Fuchs
Alexander	Glass
Alsup	Graves
Ash	Gray
Bourne	Greathouse
Bradbury	Hardin
Bradford	Harper
Bridgers	Head
Broyles	Herzik
Burton	Hodges
Butler of Karnes	Hofheinz
Cagle	Huddleston
Calvert	Hunt
Cowley	Hyder
Craddock	Jones of Falls
Crossley	Jones of Shelby
Daniel	Jones of Wise
Davis	Keefe
Davison of Fisher	Knetsch
Dickison	Lange
England	Leath
Fain	Lemens
Farmer	Lindsey
Fisher	Lotief

Lucas	Roach of Angelina
Luker	Roark
Mauritz	Russell
McConnell	Rutta
Moffett	Sessions
Moore	Smith
Morris	Spears
Morrison	Stovall
Newton	Tarwater
Olsen	Tillery
Palmer	Venable
Patterson	Waggoner
Payne	Westfall
Quinn	Wood of Harrison
Reader	Wood of Montague
Reed of Bowie	Worley
Roach of Hunt	Youngblood

## Nays—41

Atchison	Latham
Bergman	Leonard
Colson	McCalla
Cooper	McFarland
Dunagan	McKinney
Dunlap of Kleberg	Morse
Duvall	Nicholson
Dwyer	Pope
Gibson	Reed of Dallas
Hankamer	Roane
Hanna	Roberts
Harris of Archer	Rogers
Harris of Dallas	Settle
Hartzog	Shofner
Hill	Steward
Holland	Stinson
Howard	Tennyson
Hunter	Walker
Jefferson	Wells
King	Young
Lanning	

## Present—Not Voting

Ford	Canon
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## Absent

Broadfoot	Dunlap of Hays
Butler of Brazos	Good
Caldwell	James
Celaya	Petsch
Collins	Riddle
Colquitt	Scarborough
Davisson	Stanfield
of Eastland	

## Absent—Excused

Hoskins	McKee
Jackson	Padgett
Jones of Atascosa	Thornton

## PAIRED

Mr. Canon (present), who would vote "yea," with Mr. Jackson (absent), who would vote "nay."

Mr. Ford (present), who would vote "yea," with Mr. Thornton (absent), who would vote "nay."

Mr. Frazer moved to reconsider the vote by which the committee amendment as substituted by amendment by Mr. Knetsch, was adopted.

Mr. Wood of Harrison moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—84

Adamson	Jones of Shelby
Adkins	Jones of Wise
Aikin	Keefe
Alexander	Knetsch
Alsup	Lange
Ash	Leath
Bourne	Lemens
Bradbury	Lotief
Bradford	Lucas
Bridgers	Mauritz
Broyles	McConnell
Burton	Moffett
Cagle	Moore
Caldwell	Morris
Calvert	Morrison
Cowley	Newton
Craddock	Olsen
Crossley	Palmer
Daniel	Patterson
Davis	Payne
Davison of Fisher	Quinn
Dickison	Reader
England	Reed of Bowie
Fain	Roach of Hunt
Farmer	Roach of Angelina
Fisher	Roane
Fox	Roark
Fuchs	Russell
Glass	Rutta
Graves	Sessions
Gray	Settle
Greathouse	Smith
Hardin	Spears
Harper	Stovall
Head	Tarwater
Herzik	Tillery
Hodges	Venable
Hofheinz	Waggoner
Huddleston	Westfall
Hunt	Wood of Harrison
Hyder	Wood of Montague
Jones of Falls	Youngblood

## Nays—44

Atchison	Butler of Karnes
Bergman	Colson



Cooper	Latham
Dunagan	Leonard
Dunlap of Kleberg	Lindsey
Duvall	McCalla
Dwyer	McFarland
Frazer	McKinney
Gibson	Morse
Good	Nicholson
Hankamer	Pope
Hanna	Reed of Dallas
Harris of Archer	Roberts
Harris of Dallas	Rogers
Hartzog	Shofner
Hill	Steward
Holland	Stinson
Howard	Tennyson
Hunter	Walker
James	Wells
King	Worley
Lanning	Young

## Present—Not Voting

Ford Canon

## Absent

Broadfoot	Dunlap of Hays
Butler of Brazos	Jefferson
Celaya	Luker
Collins	Petsch
Colquitt	Riddle
Davison	Scarborough
of Eastland	Stanfield

## Absent—Excused

Hoskins	McKee
Jackson	Padgett
Jones of Atascosa	Thornton

## PAIRED

Mr. Ford (present), who would vote "yea," with Mr. Thornton (absent), who would vote "nay."

Mr. Canon (present), who would vote "yea," with Mr. Jackson (absent), who would vote "nay."

Mr. Keefe offered the following amendment to the bill:

Amend House Bill No. 3, page 1, Section 2, by striking out all of Section 1 (a) and substituting in lieu thereof the following:

"Section 1 (a). There is hereby levied an occupation tax on oil produced within this State in accordance with the graduated schedule listed herein:

(1). On oil of 30 gravity and below, the occupation tax shall be  $2\frac{1}{2}$  cents per barrel of 42 standard gallons.

(2). On oil above 30 gravity and not above 33 gravity, the occupation

tax shall be three and one-half ( $3\frac{1}{2}$ ) cents per barrel of 42 standard gallons.

(3). On oil above 33 gravity and not above 36 gravity, the occupation tax shall be four and one-half ( $4\frac{1}{2}$ ) cents per barrel of 42 standard gallons.

(4). On oil above 36 gravity and not above 39 gravity, the occupation tax shall be five and one-half ( $5\frac{1}{2}$ ) cents per barrel of 42 standard gallons.

(5). On oil above 39 gravity and not above 42 gravity, the occupation tax shall be six and one-half ( $6\frac{1}{2}$ ) cents per barrel of 42 standard gallons.

(6). On oil above 42 gravity, the occupation tax shall be seven and one-half ( $7\frac{1}{2}$ ) cents per barrel of 42 standard gallons."

"Provided, however, this graduated gravity tax shall not apply to marginal wells, but that the following graduated production tax shall apply to marginal wells:

"(a) On any pumping well within this State having a daily production of ten barrels or less, averaged over the preceding thirty consecutive days, producing from a depth of two thousand feet or less, there is hereby levied a tax of two cents per barrel of forty-two standard gallons; and

"(b) On any pumping well within this State having a daily production of twenty barrels or less, averaged over the preceding thirty consecutive days, producing from a horizon deeper than two thousand feet and less in depth than thirty-five hundred feet; there is hereby levied a tax of four cents per barrel of forty-two standard gallons; and

"(c) On any pumping oil well in this State having a daily production of forty barrels or less, averaged over the preceding thirty consecutive days, producing from a horizon deeper than thirty-five hundred feet, there is hereby levied a tax of six cents per barrel of forty-two standard gallons."

Mr. Latham raised a point of order, on further consideration of the amendment by Mr. Keefe, on the ground that same violates Section 1 of Article VIII, of the Constitution, in that it seeks to set up two different

scales of taxation, and same would not be equal and uniform.

The Chair overruled the point of order.

Mr. Good moved to table the amendment by Mr. Keefe.

The motion to table prevailed.

Mr. Roark offered the following amendment to the bill:

Amend House Bill No. 3, page 3, by adding a new Section between lines 4 and 5, to be known as Section 1 (b) which is to read as follows:

"Provided all wells that have a daily potential production of 40 barrels or less shall not be required to pay a tax in excess of 2c per barrel or 2% of the market value thereof above One (\$1.00) Dollar per barrel of forty-two standard gallons."

ROARK,  
THORNTON,  
HARDIN,  
FARMER.

Mr. Jones of Wise offered the following amendment to the amendment by Mr. Roark:

Amend Roark amendment by striking out words and figures "forty (40)" and substitute in lieu thereof the words and figures "fifteen (15)".

Question recurring on the amendment by Mr. Jones of Wise, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—66

Adkins	Good
Aikin	Gray
Ash	Greathouse
Bourne	Hardin
Bradbury	Harper
Bridgers	Harris of Archer
Broadfoot	Herzik
Broyles	Huddleston
Burton	Hunt
Butler of Karnes	Jones of Falls
Cagle	Jones of Shelby
Cowley	Jones of Wise
Davis	Lange
Davison of Fisher	Lanning
Dickison	Lemens
Fain	Lindsey
Farmer	Lotief
Fisher	Lucas
Ford	Mauritz
Fox	McConnell
Fuchs	Moffett
Glass	Morris

Morrison	Sessions
Olsen	Settle
Palmer	Spears
Patterson	Stinson
Payne	Tillery
Quinn	Venable
Reader	Waggoner
Reed of Bowie	Walker
Roach of Angelina	Wells
Roark	Wood of Montague
Rutta	Youngblood

#### Nays—50

Adamson	Hyder
Alexander	James
Alsup	King
Atchison	Knetsch
Bergman	Latham
Bradford	Leonard
Caldwell	Luker
Celaya	McCalla
Colson	McKinney
Cooper	Moore
Crossley	Morse
Dunagan	Nicholson
Dunlap of Hays	Pope
Duvall	Reed of Dallas
Dwyer	Roach of Hunt
Frazer	Roane
Gibson	Rogers
Hankamer	Russell
Hanna	Shofner
Harris of Dallas	Smith
Hartzog	Steward
Hill	Tarwater
Hodges	Westfall
Howard	Worley
Hunter	Young

#### Present—Not Voting

Canon	England
Craddock	

#### Absent

Butler of Brazos	Jefferson
Calvert	Keefe
Collins	Leath
Colquitt	McFarland
Daniel	Newton
Davisson	Petsch
of Eastland	Riddle
Dunlap of Kleberg	Roberts
Graves	Scarborough
Head	Stanfield
Hofheinz	Tennyson
Holland	Wood of Harrison

#### Absent—Excused

Hoskins	Padgett
Jackson	Stovall
Jones of Atascosa	Thornton
McKee	

Mr. Jones of Wise offered the following amendment to the amendment by Mr. Roark:

Amend Roark amendment by adding the following:

"Provided if this tax advantage allowed to wells on the basis of potential production be determined by the courts to be discriminatory and unreasonable, then it is the sense of the Legislature that only this advantage be held void."

The amendment was adopted.

Mr. Pope offered certain substitute for the amendment by Mr. Roark.

Mr. Roark raised a point of order, on further consideration of the amendment by Mr. Pope, at this time, on the ground that the amendment is not germane to the original amendment.

The Chair sustained the point of order.

Mr. Reed of Bowie moved the previous question on the pending amendment and the passage of House Bill No. 3 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question—Shall the amendment by Mr. Roark, as amended, be adopted?

#### LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Jones of Atascosa was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Davis.

Mr. Jackson was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Latham.

Mr. Thornton was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Jones of Wise.

#### RECESS

Mr. Reed of Dallas moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Canon moved that the House adjourn until 10:00 o'clock a. m., Wednesday, October 14.

Question recurring on the motion by Mr. Canon to adjourn until 10:00

o'clock a. m., Wednesday, October 14, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—52

Adamson	Lange
Bergman	Latham
Bourne	Lemens
Bradford	Leonard
Bridgers	Lindsey
Broadfoot	Luker
Broyles	McFarland
Burton	McKinney
Calvert	Moffett
Canon	Morris
Collins	Morrison
Cowley	Morse
Davison of Fisher	Nicholson
England	Olsen
Gibson	Pope
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Smith
Harper	Spears
Hodges	Stinson
Hofheinz	Tarwater
Howard	Tennyson
Hyder	Venable
Jones of Shelby	Walker
Keefe	Wells
King	Young

#### Nays—73

Adkins	Hanna
Aikin	Hardin
Alsup	Harris of Archer
Atchison	Harris of Dallas
Bradbury	Hartzog
Butler of Karnes	Herzik
Cagle	Hill
Caldwell	Holland
Celaya	Hoskins
Colson	Huddleston
Cooper	Hunt
Craddock	Hunter
Crossley	James
Daniel	Jefferson
Davis	Jones of Falls
Dickison	Jones of Wise
Dunagan	Knetsch
Dunlap of Kleberg	Lanning
Duvall	Lotief
Dwyer	Lucas
Fain	Mauritz
Farmer	McCalla
Fisher	McConnell
Ford	Moore
Fox	Newton
Fuchs	Patterson
Glass	Payne
Good	Reader

Reed of Bowie	Sessions
Reed of Dallas	Steward
Roane	Tillery
Roark	Waggoner
Roberts	Wood of Harrison
Rogers	Wood of Montague
Russell	Worley
Rutta	Youngblood
Settle	

## Present—Not Voting

Palmer

## Absent

Alexander	Head
Ash	Leath
Butler of Brazos	Petsch
Colquitt	Quinn
Davisson	Riddle
of Eastland	Scarborough
Dunlap of Hays	Shofner
Frazer	Stanfield
Graves	Westfall

## Absent—Excused

Jackson	Padgett
Jones of Atascosa	Stovall
McKee	Thornton

Question then recurring on the motion by Mr. Reed of Dallas to recess to 10:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—67

Adamson	Hofheinz
Bergman	Hoskins
Bourne	Howard
Bradford	Hyder
Broadfoot	James
Broyles	Jefferson
Butler of Karnes	King
Calvert	Lange
Celaya	Lanning
Collins	Latham
Colson	Leonard
Cooper	Luker
Cowley	McCalla
Crossley	McConnell
Dunagan	McFarland
Dunlap of Kleberg	McKinney
Duvall	Moore
Dwyer	Morrison
Frazer	Morse
Gibson	Nicholson
Greathouse	Olsen
Hankamer	Pope
Hanna	Quinn
Harris of Dallas	Riddle
Hartzog	Roach of Angelina
Hill	Roach of Hunt
Hodges	Roane

Roberts	Tennyson
Rogers	Tillery
Russell	Venable
Settle	Walker
Smith	Wells
Steward	Young
Stinson	

## Nays—58

Adkins	Hunter
Aikin	Jones of Falls
Alsup	Jones of Shelby
Atchison	Jones of Wise
Bradbury	Keefe
Burton	Knetsch
Cagle	Lemens
Canon	Lindsey
Craddock	Lotief
Daniel	Lucas
Davis	Mauritz
Davison of Fisher	Moffett
Dickison	Morris
England	Newton
Fain	Patterson
Farmer	Payne
Fisher	Reader
Ford	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Roark
Glass	Rutta
Good	Sessions
Gray	Spears
Hardin	Tarwater
Harris of Archer	Waggoner
Herzik	Wood of Harrison
Holland	Wood of Montague
Huddleston	Worley
Hunt	Youngblood

## Absent

Alexander	Harper
Ash	Head
Bridgers	Leath
Butler of Brazos	Palmer
Caldwell	Petsch
Colquitt	Scarborough
Davisson	Shofner
of Eastland	Stanfield
Dunlap of Hays	Westfall
Graves	

## Absent—Excused

Jackson	Padgett
Jones of Atascosa	Stovall
McKee	Thornton

The House accordingly, at 4:20 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Education: Senate Bills Nos. 3 and 11.

Revenue and Taxation: House Bills Nos. 9, 12, 19, and 23.

The Committee on Revenue and Taxation filed an adverse report on House Bill No. 27.

## TENTH DAY

(Continued)

(Wednesday, October 14, 1936.)

The House met at 10:00 o'clock a. m., and was called to order by Mr. Spears.

## LEAVE OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Colquitt was granted leave of absence for today, on account of illness, on motion of Mr. Stinson.

RELATIVE TO SENATE BILL  
NO. 5

Mr. Davisson of Eastland asked unanimous consent of the House that Senate Bill No. 5 be ordered not printed.

There was objection offered.

Mr. Davisson of Eastland moved that the House Rule relative to the time allotted for the making of routine motions, be suspended, at this time, for the purpose of making the motion that Senate Bill No. 5 be not printed.

Mr. Roane raised a point of order, on further consideration of Senate Bill No. 5, on the ground that only Senate Bills on second and third reading may be considered on Senate Bill Day.

The Chair overruled the point of order.

The motion to suspend the rule was lost by the following vote:

Yeas—62

Alsup	Keefe
Ash	Lange
Bradford	Latham
Bridgers	Lemens
Broyles	Lotief
Calvert	Lucas
Canon	Mauritz
Celaya	McConnell
Collins	McFarland
Cowley	Moore
Davis	Morris
Davison of Fisher	Morse
Davisson	Nicholson
of Eastland	Palmer
Dickison	Payne
Dunagan	Quinn
England	Reader
Fain	Roach of Angelina
Farmer	Roark
Ford	Rogers
Glass	Rutta
Hardin	Smith
Harris of Archer	Steward
Head	Tennyson
Hodges	Tillery
Hofheinz	Waggoner
Huddleston	Walker
Hunter	Wells
James	Worley
Jones of Atascosa	Young
Jones of Shelby	Youngblood
Jones of Wise	

Nays—63

Adamson	Hanna
Aikin	Harris of Dallas
Atchison	Hartzog
Bourne	Herzik
Bradbury	Hill
Burton	Holland
Butler of Karnes	Hoskins
Cagle	Howard
Cooper	Hunt
Craddock	Hyder
Duvall	Jackson
Dwyer	King
Fisher	Knetsch
Frazer	Lanning
Fuchs	Leath
Gibson	Lindsey
Good	Luker
Graves	McCalla
Gray	McKee
Hankamer	McKinney